

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

The United States of America and the States	)	
of North Carolina, California, Colorado,	)	
Delaware, Florida, Georgia, Illinois, Indiana,	)	
Iowa, Louisiana, Michigan, Minnesota, New	)	
Jersey, New York, Tennessee, Texas, Virginia	)	
and Wisconsin, <i>ex rel.</i> Scarlett Lutz, Kayla	)	
Webster, Dr. Michael Mayes and Chris	)	
Reidel,	)	
	)	<b>CA No.: 9:14-cv-00230-RMG</b>
Plaintiffs,	)	(Consolidated with 9:11-cv-1593-RMG
	)	and 9:15-cv-2485-RMG)
vs.	)	
	)	
Berkeley Heartlab, Inc., Bluewave Healthcare	)	
Consultants, Inc., Latonya Mallory, Floyd	)	
Calhoun Dent, III and Robert Bradford	)	
Johnson,	)	
	)	
Defendants.	)	

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**UNITED STATES' ADDITIONAL PROPOSED JURY INSTRUCTIONS**

During the January 30, 2018 charge conference, the United States requested the attached jury instructions which had not previously been filed with the Court. The Court considered and declined to adopt the proposed instructions.

Respectfully submitted,

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January 31, 2018

### **3.4. Remuneration [United States]**

Under the Anti-Kickback Statute, the term “remuneration” includes any payment or other benefit, including the waiver of a financial obligation. As used in the Anti-Kickback Statute, the term “remuneration” means the transfer of anything of value from one person or entity to another person or entity. Remuneration can be direct or indirect, in cash or in kind.

### **7.1 Corporate Liability for Acts of Agents [United States]**

A corporation under the law is a person, but it can act only through its employees, agents, directors, or officers. The law therefore holds a corporation responsible for the acts of its employees, agents, directors, and officers performed within the scope of authority. An agent is a person who performs services for another person under an express or implied agreement and who is subject to the other's control or right to control the manner and means of performing the services. The other person is called a principal. An agent is acting within the scope of authority if the agent is engaged in the performance of duties which were expressly or impliedly assigned to the agent by the principal.